

387-07/GMV/PLS
FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
80 Pine Street
New York, NY 10005
(212) 425-1900
(212) 425-1901 fax
Gina M. Venezia
Pamela L. Schultz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA INTERNATIONAL CORP.

Plaintiff,

-against -

SMIRNOV GROUP INCORPORATED a/k/a
OAO SMIRNOV GROUP INC.

Defendant.

07-7468 (JFK)

**AFFIDAVIT OF SERVICE OF
COMPLIANCE WITH
SUPPLEMENTAL RULE B (2)**

STATE OF NEW YORK

COUNTY OF NEW YORK

1. I, PAMELA L. SCHULTZ, am an attorney admitted to practice before this Court and an associate at Freehill Hogan and Mahar, LLP. Our office represents Plaintiff Samantha International Corp. ("Samantha") in the captioned action which involves a maritime attachment pursuant to Supplemental Admiralty Rule B against Defendant Smirnov Group Incorporated a/k/a OAO Smirnov Group Inc. ("Smirnov").

2. I make this affidavit based upon my personal knowledge, including information contained in my file; my conversations and communications with the solicitors representing

Samantha in the London arbitration; and my conversation and communications with Mr. Smirnov, the principal of Defendant Smirnov.

3. The purpose of this Affidavit is to set forth the circumstances and dates surrounding Plaintiff's efforts to provide Defendant Smirnov with notice of these proceedings and Plaintiff's compliance with the service provisions of Supplemental Admiralty Rule B(2).

Supplemental Admiralty Rule B(2)

4. Supplemental Admiralty Rule B(2) provides as follows:

No default judgment may be entered except upon proof- which may be by affidavit- that:

* * * *

- (b) the plaintiff or garnishee has mailed to the defendant the complaint, summons, and process of attachment or garnishment, using any form of mail requiring a return receipt; or
- (c) the plaintiff or the garnishee has tried diligently to give notice of the action to the defendant but could not do so.

5. For the reasons described herein, Plaintiff has complied with the notice and service provisions of Rule B(2) such that a default may be taken against Defendant Smirnov.

Plaintiff's Compliance with the Notice and Service Provisions of Rule B(2).

6. This action was commenced on August 23, 2007, with the filing of a Verified Complaint seeking security pursuant to Supplemental Rule B for Samantha's claims against Smirnov in connection with Smirnov's chartering of the M/V ARIETIS and failure to pay amounts due and owing under the charter party.

7. At the time of the filing of the Verified Complaint, Samantha also sought an Order directing the Clerk of Court to issue a Process of Maritime Attachment and Garnishment ("PMAG") directing garnishees served with the PMAG to restrain assets of Smirnov, up to and

including, the amount of \$3,717,748.77. The requested relief was granted, an Order of Attachment and PMAG were issued, and a number of garnishee banks, including JPMorgan Chase, were served with the PMAG. The garnishees were initially served by hand, and subsequently, by e-mail or facsimile as per the garnishee's directive and/or policy and the Court's Order of Attachment.

5. On or about October 9, 2007, funds for the benefit of Smirnov in the amount of \$100,000.00 were restrained at JPMorgan. These funds remain under attachment, and to our knowledge, are the only funds under restraint in this action.

6. The following day, October 10, 2007, in accordance with Local Admiralty Rule B.2, I prepared a notice letter to Smirnov advising it of the restraint at JPMorgan which I attempted to serve by telefax and email. My file reflected two fax numbers for Smirnov of 495 794 20 20 and 495 751 73 40 and an e-mail addresses at smirnov-so@mtu-net.ru. Although I tried on numerous occasions to fax the notice letter, my attempts were unsuccessful, and I determined the fax numbers were inoperable. The e-mail address also proved inoperable. A copy of the initial notice letter sent via e-mail to Smirnov is attached as **Exhibit A**.

7. When I advised the solicitors representing Samantha that the details in my file for communicating with Smirnov were inoperable, I was provided with another e-mail at smirnov-so@yandex.ru. On October 11, 2007, I forwarded the notice letter to this address, and it did not come back as undeliverable. A copy of this notice letter sent via e-mail to Smirnov is attached as **Exhibit B**.

8. As a further attempt to notify Smirnov of these proceedings, on October 11, 2007, I also arranged to have the notice letter sent via DHL to address in our file for Smirnov. According to verbal advices from DHL, the package was delivered on October 16, 2007 at 10:09

am and signed for by a "Smirnov". A copy of the notice letter sent via DHL is attached as **Exhibit C**.

9. I know that my initial e-mail providing notice of the restraint was received successfully at smirnov-so@yandex.ru because on October 12, 2007, I received a telephone call from Nikolay Smirnov regarding that e-mail and these proceedings.¹ I do not recall the specifics of my telephone discussion with him, but he was aware of the New York case and the pending London arbitration. Due to our language barrier, I advised him that I would have the Russian correspondents/brokers contact him regarding the matter. My recollection is that he asked that I resend my correspondence, which I did by e-mail. See **Exhibit D**.

10. Minutes after I re-sent my e-mail of October 10, I received an e-mail from Mr. Smirnov at smirnov-so@yandex.ru. The e-mail correspondence is attached hereto as **Exhibit E**. Mr. Smirnov's reply e-mail attached our correspondence providing notice of the restraint.

11. After my conversation with Mr. Smirnov, we asked our clients to ensure that someone fluent in Russian contacted Mr. Smirnov. We were advised that the Russian correspondents representing Samantha's interests contacted Mr. Smirnov who advised he was aware of the situation and had contacted his lawyers.

12. On October 31, 2007, we sent via e-mail to Smirnov this Court's Notice of Court conference setting a conference for November 20, 2007. We communicated our understanding that Russian correspondents had communicated with him regarding the matter and inquired whether he would be in attendance at the conference or whether we should request an adjournment. A copy of this transmission is attached as **Exhibit F**.

13. I know Mr. Smirnov received this correspondence because on November 16, 2007, he provided via e-mail a letter thanking us for "inviting" him to the conference on

¹ From this point forward, I used this e-mail address for Smirnov.

November 20 and requesting an adjournment for two weeks so that he could comply with visa formalities. See **Exhibit G**.

14. I responded by e-mail on November 19, advising we had asked the Court for an adjournment of the conference. We further recommended to Mr. Smirnov that Defendant Smirnov obtain an attorney to represent him in New York and that we would be happy to provide the names of some reputable maritime attorneys. A copy of this correspondence is attached as **Exhibit H**.

15. When the Court rescheduled the conference for December 4, we immediately provided notice to Mr. Smirnov and again reiterated that we could provide him with the names of New York counsel. A copy of this correspondence is attached as **Exhibit I**.

16. On December 3, 2007, we received a call from the Court inquiring whether anyone would be in attendance at the conference on December 4 to represent Smirnov's interests. Since we did not know the answer to the Court's inquiry, we sent a further e-mail correspondence to Mr. Smirnov inquiring whether anyone would be in attendance and advising that the Court could re-schedule the conference if no one would be attending on Smirnov's behalf. A copy of this correspondence is attached as **Exhibit J**. I did not receive a response to this e-mail.

17. I attended the conference before the Court on December 4, 2007. No representative of Smirnov was in attendance. I advised that we had not received any further communications from Smirnov since November 16. The Court directed us to write to Smirnov and advise that the arbitration in London was proceeding without its participation and that the Court recommended Smirnov should participate if it wanted to protect its interest. We complied with the Court's request and also advised Smirnov of the next conference with the Court which

was scheduled for March 25, 2008. A copy of that correspondence sent via e-mail is attached as **Exhibit K**. I heard nothing further from Mr. Smirnov.

18. I attended the March 25, 2008, conference with the Court, but no one representing Smirnov was in attendance at the March 25, 2008 conference. I advised the Court of the status of the London proceedings and that we had not received any word from Smirnov since November 2007. I discussed with the Court the service requirements of Supplemental Rule B(2)(b) and the Court directed me to serve the Summons, Complaint and PMAG on Smirnov via international registered mail. This was done on March 25, 2008. See **Exhibit L**. Although our mailing was accepted by the United States Postal Service, we have not received proof it has been received by Smirnov. See **Exhibit M**.

Conclusion

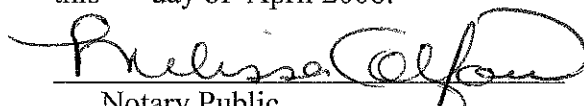
19. Plaintiff submits that it has complied with the notice and service requirements of Supplemental Admiralty Rule B(2) and has made diligent efforts, and has in fact, advised Defendant of this action on the following dates: October 10, 2007; October 11, 2007; October 31, 2007; November 19, 2007; November 20, 2007; December 3, 2007; December 11, 2007. Additionally, we served on March 25, 2008, via International Registered Mail a copy of the Summons, Verified Complaint and Process of Maritime Attachment and Garnishment on Smirnov.

20. To date, Smirnov has not appeared, answered or responded to the Verified Complaint filed herein.

DATED: New York, New York
April 21, 2008


PAMELA L. SCHULTZ

Sworn to before me
this 21 day of April 2008.


Notary Public

MELISSA COLFORD
Commissioner of Deeds
City of New York-No. 5-1692
Certificate Filed in New York
Commission Expires 4/1/10

SCHULTZ, PAMELA L.

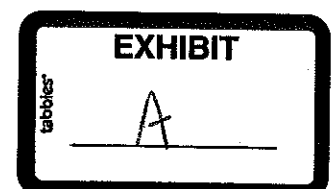
From: SCHULTZ, PAMELA L.
Sent: Wednesday, October 10, 2007 10:21 AM
To: 'smirnov-so@mtu.net.ru'
Cc: VENEZIA, GINA
Subject: Samantha International v. Smirnov Group
Attachments: NYDOCS1-#291547-v1-387-07_Notice_Letter_to_Defendant

Please see the attached which we have also sent by fax.



NYDOCS1-#291547
-v1-387-07_Noti...

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



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CONNECTICUT OFFICE
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GEORGE B. FREEHILL
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* ALSO ADMITTED IN NEW JERSEY

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Δ ALSO ADMITTED IN WASHINGTON, D.C.

* ALSO ADMITTED IN LOUISIANA

FAX AND E-MAIL TRANSMISSION

October 10, 2007

Total No. of Pages: 2

TO: Smirnov Group Incorporated
FAX: 011 7 495 794 20 20
Email: smirnov-so@mtu-net.ru
Re: **Samantha International Corp. v. Smirnov Group Incorporated a/k/a
OAO Smirnov Group Inc.**

OUR REF: 387-07/GMV

Dear Sirs:

We represent Plaintiff in the captioned matter and write to advise you that we have commenced an action in the United States District Court for the Southern District of New York applying for an order of attachment. The order of attachment has been served on a variety of banking institutions in New York, and in response to that order of attachment we received notice from JPMorgan that a fund transfer in the sum of \$100,000 was restrained.

If you would like to review a copy of the pleadings filed in New York, we would be happy to provide you with them, or in the alternative, if you choose to appoint counsel in New York, we would be happy to forward a set to them. Alternatively, if you would like to arrange for the posting of security to obviate the need for us to proceed with the action, we would be happy to discuss with you arrangements for the posting of substitute security. Finally, we note for your guidance that you have the right to a prompt, post seizure hearing should you wish to challenge the attachment.

PLEASE NOTE: The information contained in this fax is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive such. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you received this communication in error, or if any problems occur with transmission, please notify us immediately by telephone - (212) 425-1900. Thank you.

NYDOCS1/291547.1

Total No. of Pages: 2

We look forward to hearing from you regarding the foregoing.

Very truly yours,
FREEHILL HOGAN & MAHAR LLP
Pamela L. Schultz
Pamela L. Schultz

SCHULTZ, PAMELA L.

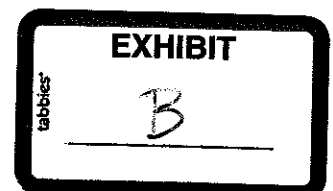
From: SCHULTZ, PAMELA L.
Sent: Thursday, October 11, 2007 9:30 AM
To: 'smirnov-so@yandex.ru'
Subject: Samantha International v. Smirnov Group
Attachments: NYDOCS1-#291547-v1-387-07_Notice_Letter_to_Defendant.DOC

Please see the attached.

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



NYDOCS1-#291547
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FREEHILL HOGAN & MAHAR LLP
Pamela L. Schultz
Pamela L. Schultz

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* ALSO ADMITTED IN NEW JERSEY

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* ALSO ADMITTED IN LOUISIANA

October 11, 2007

OUR REF: 387-07/GMV

By DHL

Smirnov Group
Pyatnitsokye Shosse 35
125430 Moscow
Russia

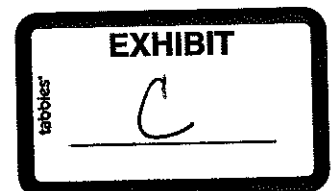
Re: Samantha International Corp. v. Smirnov Group Incorporated a/k/a OAO
Smirnov Group Inc. 07-7468 (JES)

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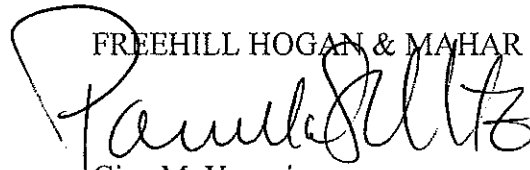
We look forward to hearing from you regarding the foregoing.



Smirnov Group
October 11, 2007
Page 2

Very truly yours,

FREEHILL HOGAN & MAHAR LLP

A handwritten signature in black ink, appearing to read "Pamela L. Schultz". The signature is written in a cursive, flowing style with a large initial "P".

Gina M. Venezia
Pamela L. Schultz

PLS

SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Friday, October 12, 2007 12:10 PM
To: 'smirnov-so@yandex.ru'; 'smirnov-so@mtu-net.ru'
Subject: Samantha International v. Smirnov Group
Attachments: NYDOCS1-#291547-v1-387-07_Notice_Letter_to_Defendant.DOC

Please see the attached.



NYDOCS1-#291547
-v1-387-07_Noti...

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



SCHULTZ, PAMELA L.

From: Smirnov Nikolay [smirnov-so@yandex.ru]
Sent: Friday, October 12, 2007 12:23 PM
To: SCHULTZ, PAMELA L.
Subject: Fw: Samantha International v. Smirnov Group
Attachments: NYDOCS1-#291547-v1-387-07_Notice_Letter_to_Defendant.DOC; Samantha International v. Smirnov Group

----- Пересылаемое сообщение -----
12.10.07, 20:09, SCHULTZ:

Please see the attached.

<>

Pamela L. Schultz

Freehill Hogan & Mahar

80 Pine Street, 24th Floor

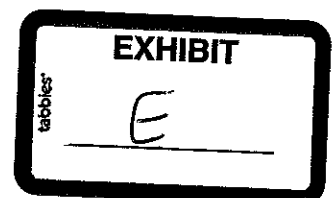
New York, NY 10005

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4/17/2008



----- Завершение пересылаемого сообщения -----

--

Яндекс.Фотки - заливай свои, любуйся чужими! <http://fotki.yandex.ru/>

SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Wednesday, October 31, 2007 9:36 AM
To: 'Smirnov Nikolay'
Cc: VENEZIA, GINA
Subject: RE: Samantha International v. Smirnov Group
Attachments: Order for Nov 20 conf.pdf

Dear Mr. Smirnov,

Please find attached the Notice of Court Conference in this matter. We understand that you have communicated with brokers regarding this matter, and we invite you to continue those discussions. Please advise whether you will be in attendance at this conference or whether you would like us to request an adjournment of the matter from the Court.

Regards,

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901

From: Smirnov Nikolay [mailto:smirnov-so@yandex.ru]
Sent: Friday, October 12, 2007 12:23 PM
To: SCHULTZ, PAMELA L.
Subject: Fw: Samantha International v. Smirnov Group

----- Пересылаемое сообщение -----
12.10.07, 20:09, SCHULTZ:

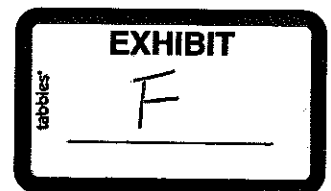
Please see the attached.

<>

Pamela L. Schultz

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4/17/2008



80 Pine Street, 24th Floor

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Tel: 212-381-3025

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----- Завершение пересылаемого сообщения -----

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4/17/2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
Samantha International

Plaintiff(s)

07 7468
CIV.

-vs-

Notice of a Pretrial
Conference

Smirnov Group

Defendant(s)

-----x
Counsel are directed to appear in Courtroom 20-C
on November 20, 2007 at 9:45 am, for
a pretrial conference, for the purpose of discussing the status
of this case. Please notify your adversary as to the date of
this conference.

This conference will not be adjourned except
by order of the Court.

SO ORDERED.

DATED: NEW YORK, NEW YORK
October 26, 2007

John F. Keenan
JOHN F. KEENAN
U.S.D.J.

**PRACTICES OF
JUDGE JOHN F. KEENAN
United States District Court
U.S. Courthouse
500 Pearl Street, Room 1930
New York, New York 1007-1312**

Courtroom: Room 20C
Courtroom Deputy: William Ryan
212-805-0106

Chambers: Room 1930
212-805-0220/1

Unless otherwise ordered by Judge Keenan, matters before Judge Keenan shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls. Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at 212-805-0220.

C. Faxes. Faxes to chambers are not permitted.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call William Ryan at 212-805-0106 between 9:00 A.M. and 4:00 P.M.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

F. Applications to the Court.

(1) **Draft Orders.** In order to promote rapid disposition of letter applications, parties are encouraged to submit draft orders along with their requests for Court action.

(2) **Discovery.** If discovery has been referred to a Magistrate Judge, all applications concerning discovery should be directed to the Magistrate Judge. If discovery has not been referred, any application for a modification of the discovery schedule should be made in writing, and must note all previous applications and state whether opposing counsel consents to the requested modification.

G. Applications for Orders to Show Cause

(1) **Generally.** As required by Local Rule 6.1(d), when proceeding by Order to Show Cause, the accompanying affidavit must sufficiently state why procedure other than notice of motion is necessary. All Orders to Show Cause must be approved by the Orders and Appeals Clerk at 500 Pearl Street. After approval, the party requesting relief must deliver the original Order to Show Cause with accompanying papers (including a memorandum of law and draft order) and courtesy copies to Chambers. The party will be contacted by Chambers when the papers are ready to be picked up and filed.

(2) **Default Judgments.** Applications for entry of default judgments must be brought on by Order to Show Cause served upon the party to be defaulted.

(3) **Ex Parte Temporary Restraining Orders.** Ex parte temporary restraining orders ordinarily will not be granted. Parties are reminded that this relief requires the posting of a bond.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2 For motions other than discovery motions, a pre-motion conference with the court is required before making any motion, except for motions in lieu of an answer, cross-motions, or motions for reargument. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion.

B. Motions Pursuant to Fed. R. App. P. 4(a)(4)(A).

Paragraph A above does NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

C. Courtesy Copies. Courtesy copies of all motion papers, marked as such, should be submitted for chambers. Courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practicable after filing.

D. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents. Copies of unpublished authority cited in a memorandum should accompany the submission.

E. Filing of Motion Papers. No motion papers shall be filed until the motion has been fully briefed. Each party shall file its motion papers on the date the last reply memorandum is due. The moving party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers.

F. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. Pretrial Procedures

A. Once a ready for trial date has been fixed by the Court, the parties shall comply with the Pre-trial Requirements of Judge Keenan. Copies of the Pre-trial Requirements will be distributed to counsel on the date upon which the ready for trial date is fixed.

B. Ready for Trial Calendar. Counsel for cases on the ready for trial calendar will be notified by Chambers not less than forty-eight (48) hours before the case is called. Applications to have a case removed from the calendar for a period of time must be in writing and must state the reasons for the removal, the time period requested, and whether opposing counsel consents to the request.

SCHULTZ, PAMELA L.

From: Smirnov Nikolay [smirnov-so@yandex.ru]
Sent: Friday, November 16, 2007 4:54 AM
To: SCHULTZ, PAMELA L.
Subject: letter

Attachments: контракт.jpg



?????????.jpg (191 KB)

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Смирнов Групп Инкорпорейтед
Открытое Акционерное Общество
Холдинговая Компания

Россия, 125430, Москва, Пятницкое шоссе 35.
тел./факс: (495) 751-73-40; 794-20-20
Email: smirnov-so@mtu-net.ru
Email: smirnov-so@yandex.ru

№ _____
дата 16.11.07

Dear Sirs,

we thank You for inviting to the Conference planned on 20.11.07 but we would be very obliged if adjournment on two weeks will be made for it so some time is necessary for a visa formalities.

With best regards,
Yours faithfully

N. Smirnov

SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Monday, November 19, 2007 10:11 AM
To: 'Smirnov Nikolay'
Cc: VENEZIA, GINA
Subject: Samantha International v. Smirnov Group

Dear Mr. Smirnov,

Thank you for your message. We have advised the Court that you have requested that the conference be rescheduled and will let you know if the Court grants your request. For your guidance, we advised the Court we had no objection to your request.

Please note, however, that we recommend that you obtain an attorney to represent you in New York, as only attorneys admitted to practice before the Court can appear to represent your interests. We are happy to provide the names of some reputable maritime attorneys who could represent your interests. Please let us know if you would like contact information for any of those attorneys.

Regards,
Gina M. Venezia and Pamela L. Schultz

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901

-----Original Message-----

From: Smirnov Nikolay [mailto:smirnov-so@yandex.ru]
Sent: Friday, November 16, 2007 4:54 AM
To: SCHULTZ, PAMELA L.
Subject: letter

--

Яндекс.Фотки – Много фоток не бывает <http://fotki.yandex.ru/>



SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Tuesday, November 20, 2007 2:37 PM
To: 'Smirnov Nikolay'
Cc: VENEZIA, GINA
Subject: Samantha International v. Smirnov

Dear Mr. Smirnov,

The Court has rescheduled the conference in this matter for December 4 at 10:00 am. Please let us know if you have employed an attorney in New York to represent your company's interest so that we can discuss the matter with your attorney. We are, as indicated before, happy to provide you with the names of New York attorneys that may be able to represent your interests since a corporation can only appear before the Court through an attorney admitted to practice in New York.

Regards,

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Monday, December 03, 2007 10:39 AM
To: 'Smirnov Nikolay'
Cc: VENEZIA, GINA
Subject: RE: Samantha International v. Smirnov

Dear Mr. Smirnov,

The court has called us this morning to inquire whether anyone will be in attendance at the conference tomorrow morning. As noted on earlier occasions, in order for Smirnov to formally appear before the Court, the appearance must be through an attorney admitted to practice in New York. As indicated before, we are happy to provide you with the names of New York attorneys that may be able to assist you. The Court has indicated that it can reschedule the conference if no one will be attending for Smirnov.

Regards,

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901

-----Original Message-----

From: SCHULTZ, PAMELA L.
Sent: Tuesday, November 20, 2007 2:37 PM
To: 'Smirnov Nikolay'
Cc: VENEZIA, GINA
Subject: Samantha International v. Smirnov

Dear Mr. Smirnov,

The Court has rescheduled the conference in this matter for December 4 at 10:00 am. Please let us know if you have employed an attorney in New York to represent your company's interest so that we can discuss the matter with your attorney. We are, as indicated before, happy to provide you with the names of New York attorneys that may be able to represent your interests since a corporation can only appear before the Court through an attorney admitted to practice in New York.

Regards,

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



SCHULTZ, PAMELA L.

From: SCHULTZ, PAMELA L.
Sent: Tuesday, December 11, 2007 10:23 AM
To: 'Smirnov Nikolay'
Subject: Samantha International v. Smirnov Group
Attachments: 20071211112613861.pdf



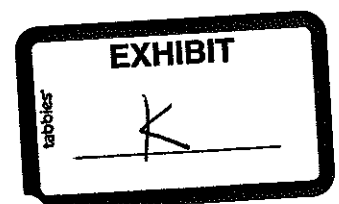
2007121111261386
1.pdf (69 KB)

Dear Mr. Smirnov,

Please see the attached correspondence. If for some reason, you cannot open it, please let me know.

Regards,

Pamela L. Schultz
Freehill Hogan & Mahar
80 Pine Street, 24th Floor
New York, NY 10005
Tel: 212-381-3025
Fax: 212-425-1901



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December 11, 2007

Our ref: 387-07/GMV/PLS

*ALSO ADMITTED IN NEW JERSEY
*ALSO ADMITTED IN CONNECTICUT
*ALSO ADMITTED IN WASHINGTON, D.C.
*ALSO ADMITTED IN LOUISIANA

smirnov-so@yandex.ru

Smirnov Group

Piatnitskoe Highway 35

Entrance 2, Moscow

Russia 125430

Attention: Nikolay Smirnov

RE: Samantha International Corp. v. Smirnov Group
Incorporated a/k/a OAO Smirnov Group Inc.


Dear Mr. Smirnov:

We appeared before Judge Keenan on Tuesday, December 4, 2007, in connection with this case. Per your request, the Court had rescheduled the conference for that date in order for you to arrange the completion of visa application procedures. However, as we indicated to you on prior occasions, for Smirnov Group to make a formal appearance before the Court, the corporation must be represented by an attorney admitted to practice in the New York Court. We have previously advised we would be happy to provide the names of counsel who may be able to assist you, and we continue to be willing to provide a recommendation.

During the conference, we advised the Court that the London arbitration had been commenced and that Smirnov Group had failed to appoint an arbitrator. The Judge has requested that we advise you that the arbitration is proceeding without your participation and that the Court recommends (as do we) that you should participate if you wish to protect your interests. The Court has also scheduled a conference for March 25, 2008 at 10:00 am. In advance of the conference, please let us know who will be representing the interests of Smirnov Group.

Very truly yours,

~~FREEHILL~~ HOGAN & MAHAR, LLP


Pamela L. Schultz

PLS:lu

cc: The Honorable Judge John F. Keenan (via by hand delivery)

GEORGE B. FREEHILL
WILLIAM L. JUSKA, JR.
JAMES L. ROSS*
ERIC E. LENCK
JOHN J. WALSH*
PATRICK J. BONNER*
PETER J. GUTOWSKI
MARK F. MULLER
WAYNE D. MEEHAN*
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THOMAS M. RUSSO
THOMAS M. CANEVARI †
MICHAEL FERNANDEZ*
JOHN F. KARPOUSIS*^Δ
MICHAEL E. UNGER*†
WILLIAM J. PALLAS*
GINA M. VENEZIA*^Δ
LAWRENCE J. KAHN*
BARBARA G. CARNEVALE*
MANUEL A. MOLINA
JUSTIN T. NASTRO*
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TELEPHONE: (203) 921-1913
FACSIMILE: (203) 358-8377

March 25, 2008

Our ref: 387-07/GMV/PLS

*ALSO ADMITTED IN NEW JERSEY
†ALSO ADMITTED IN CONNECTICUT
ΔALSO ADMITTED IN WASHINGTON, D.C.
*ALSO ADMITTED IN LOUISIANA

Via International Registered Mail – Tracking #RB 525 264 599 US

Smirnov Group
Piatnitskoe Highway 35
Entrance 2, Moscow
Russia 125430
Attention: Nikolay Smirnov

RE: Samantha International Corp. v. Smirnov Group
Incorporated a/k/a OAO Smirnov Group Inc.

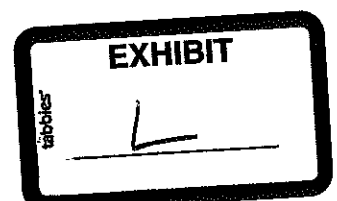
Dear Mr. Smirnov:

Enclosed please find a copy of the Summons, Verified Complaint and Process of Maritime Attachment and Garnishment in the captioned action.

Very truly yours,
FREEHILL HOGAN & MAHAR, LLP


Pamela L. Schultz

PLS:lu
enc.



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<input checked="" type="checkbox"/>	Without Postal Insurance

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To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Freehill HOGAN & MAHAR, LLP
		80 Pine Street
		New York, NY 10005
		SMIRNOV GROUP
TO	PIATNITSKOE Highway 35	
	ENTRANCE 2, MOSCOW - RUSSIA	
	125430	

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